

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ELZIE STEPHEN RODGERS, JR.,)
#244536,)

Plaintiff,)

v.)

CASE NO. 2:18-CV-680-WKW
[WO]

LT. DOMINIC S. WHITLEY, *et al.*,)

Defendants.)

ORDER

More than four months since the final word of the Magistrate Judge (Doc. # 61), and three months since the Magistrate Judge's recommendation was adopted (Doc. # 63), the time has come to close the objection period. Plaintiff previously asked for an extension of time in order to provide the court with his own "mailing log" and affidavits of others at Limestone Correctional Facility "who can corroborate his claims . . . that the prison mailbox there was left unlocked" (Doc. # 67.) He has not provided this evidence and has missed his deadline for doing so. However, even assuming Plaintiff provided such evidence, it would not be persuasive. Plaintiff's mailing log carries no more weight than his affidavit, and both are overshadowed by the incomprehensibility and implausibility of his claims. The evidence discussed by the Magistrate Judge and in this court's previous order

(Doc. # 66) is sufficient to overcome the general assumption that Plaintiff's amended complaint was filed on the day that he claims.

Further evidence that the mailbox was unsecured would similarly be unpersuasive. An unsecured mailbox could certainly lead to one's mail getting stolen, but there is no evidence to suggest or explain why anyone would steal Plaintiff's outgoing mail, hold it for three months, and then helpfully put it back into the mail sealed and unaltered. The heightened possibility of a theft is not sufficient evidence to prove that a theft in fact occurred, and Plaintiff's theft theory does not comport with his own words (Doc. # 18) or his history of timely mailing with respect to his other filings.

Accordingly, it is ORDERED that the previous Order (Doc. # 63) and Final Judgment (Doc. # 64) are REINSTATED and are effective as of the date of this Order. This case will remain closed.

DONE this 14th day of January, 2022.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE